IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

NOTICE OF MOTION NO. 2423 OF 2004
IN
APPEAL NO.950 OF 2000
IN
WRIT PETITION NO.1751 OF 2000

Forward Seamen's Union of India .. Appellant
v/s.
1. National Union of Seafarers of
India & ors. ..Respondents

Mr.J.P.Cama, senior counsel with Mr.S.K.Talsania i/by M/s.Mulla & Mulla for respondent No.5 in support of notice of motion.

Mr.A.N.Nesarikar for appellant.

Mr.K.K.Singhvi, senior counsel i/by M/s. Salgaonkar & Co. for respondent No.1.

Mr.S.R.Rajguru i/by Mr.T.C.Kaushik for respondent Nos.2,3 and 4

Mr.V.P.Patil with Mr.P.J.Das for Seamen's Sena Union.

Mr.J.P.Sawant for respondent No.6.

Mr.P.G.Lad for intervenor.

CORAM : R.M.LODHA AND
J.P.DEVADHAR, JJ.

DATED : 27th August, 2004

P.C.

Heard Mr.J.P.Cama, the learned senior counsel for the applicant (5th respondent) and Mr.K.K.Singhvi, the learned senior counsel for the respondent No.1 and the counsel appearing for the parties.

2. The order dated 11th February, 2004 was passed on the agreement of the parties. It is clear, unambiguous and self-explanatory. We are not

inclined to grant the prayers (b) and (c) of the notice of motion.

3. Mr.K.K.Singhvi, the learned senior counsel for the respondent No.1 (National Union of Seafarers of India) made the statement before us that the respondent No.1- union shall not proceed with strike as proposed on and from 31st August, 2004.

We accept the statement of Mr.Singhvi.

4. We further observe that since the respondent No.5 (present applicant)-Indian National Shipowners Association, by virtue of the statement made by the counsel as recorded and accepted in the order dated 11th February, 2004, is restrained from negotiating, discussing and/or settling the chartered demands with any of the unions referred to in that order until the verification of membership, the respondent No.1- union and/or other concerned unions shall not give any call of the strike on the ground of the respondent No.5 (Indian National Shipowners Association) not negotiating, discussing and/or settling the chartered demands with the said unions.

5. We grant further time of three months to the Regional Labour Commissioner to complete the verification exercise as directed in the order dated 11th February, 2004.

6. Notice of motion stands disposed of accordingly.

(R.M.LODHA, J.)

(J.P. DEVADHAR, J.)